

UNITED STATES DISTRICT COURT OF  
ARIZONA

FILED	LODGED
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JUN 15 2015	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY	DEPUTY

AbdulKhabir Wahid

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Petitioner

V.

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATIONS

CASE NO.15-9155MB

CV-15-01088-PHX-JJT-BSB

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Respondent

**MOTION FOR RETURN OF PROPERTY**

COMES NOW, The petitioner making a special appearance AbdulKhabir Wahid in propria persona, pursuant to applicable rules of court and/ or procedure hereby, moves this honorable court to Return Property to the said individual AbdulKhabir Wahid due to lack of evidence that constitutes a crime.

The petitioner is not a lawyer and his pleadings cannot be treated as such. In fact, according to Haines v. Kerner, 404 U.S 519 (1972), a complaint however inartfully pleaded, "must be held" to less stringent standards than formal pleadings drafted by lawyers" and can only be dismissed for failure to state a claim if it appears "beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him relief" Id., at 520-521, quoting Conley v. Gibson, 355 U.S 41, 45-46 (1957)

Let me say first, this motion was not filed due to spitefulness and maliciousness it was filed out of parental protection of my children and also to use this court as a sort of record keeper and a watchdog in which I hope your honor is on neutral ground and will not have a conflict of interest since it is through the United States Government that the court receives its benefit.

In explaining why I want my property returned to me the best thing for me to do is to give a narrative of the events that occurred in my home with the F.B.I on June 10th , (wednesday) 2015.

I am domiciled at 3407 W.Port Au Prince Lane, Phoenix , Arizona 85053.

I was sitting on my sofa, talking on my cell phone when a hard forceful bang on the door "open up it the F.B.I" the agent screamed at first I thought I was imagining that they were at the door but then the knock on the door got even louder and the agent yell that it was the F.B.I the knock becomes even more aggressive I went to open the door with my 16 year old daughter by my side who was terrified. I tried to open the door but it was impossible to do so because the agent was telling me to come out but yet he kept beating on my door, and I was not about to open the door while he was beating on it with what appeared to be some sort of metal club like device, I even said to him " I'm trying to come out please don't break my lock" But he smiled and kept hitting the door until he broke the lock off the door. I then said to him please don't put your guns in my 16 year old daughters face and you know what he looked at her and pointed it even closer to her face.

All the while this was going on the leader of this investigation agent Robert Byrne stood by and did nothing. Please know this with the knocking on my door so hard to the point that he busted the lock off my door the pointing of about 6 to 8 guns in my 16 year old daughters face is a form of NEGLIGENCE INFLICTION OF EMOTIONAL DISTRESS AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS. Especially seeing my daughter crying and when I asked her why were you crying she stated "CAUSE I NEVER HAD A GUN POINTED IN MY FACE BEFORE."

Sixteen years old and she never has had a gun pointed in her face before and the first time it ever happens to her it just so happens to be our finest DEPARTMENT OF JUSTICE but yet yall state that "we are here to "PROTECT" and serve yeah albeit.

Let me ask you honor if you have any children how would you feel if someone stuck a gun in YOUR child face I don't think it would feel very nice and I'm pretty sure you wouldn't like it.

Funny if I put a gun in an officers face I will be charged with ASSAULT with a deadly weapon but it's ok for the department of justice to ambush me at my house and point at least 8 guns in my face all because they feel they have the "right" because there the government.

Anyway moving right along when I asked Mr. Byrne and his partner as to why they were doing this they explained to me that basically they got a tip from a mutual friend of mine by the name of AbdulMalik AbdulKareem that he stated that me and him and Elton Simpson and Nadir Soofi were out in the desert shooting guns, I immediately stated that I knew about them going to the desert and shooting but I was NOT present.

Still they felt that by AbdulMalik telling them that I was in the desert shooting with them gave the F.B.I the right to use hearsay and therefore forcefully enter my home and seize property that had nothing to do with the alleged "PROBABLE CAUSE".

First of all we Know that the F.B.I couldn't go to the courts with a hunch on what someone told them no they would have to say something better than that in order for the court to grant them a warrant even if it meant for them to base their assumptions off of pure speculation. Therefore by them taking their speculation and converting it into legal language such as stating there may be dangerous weapons in the house that may result into some terroristic threat (after all I am muslim) . Thus using the color of law such as 18 U.S.C section 3103(a) automatically constitutes 18 U.S.C section 242 which is Deprivation of Rights Under the Color of Law in the making. In 18 U.S.C it states that a warrant may be issued to search for and seize property that constitutes evidence of a CRIMINAL OFFENCE in violation of the laws of the United States the only problem with that is none of the so called evidence on the RECEIPT OF PROPERTY fits that description for example how is my cell phone or my computer constitutes evidence as a criminal offence.

Basically all the property that is listed on the RECEIPT FOR PROPERTY has nothing to do with evidence as a criminal offence except one thing and it was brought to my attention by Robert Byrne , he brought it out of the house and showed it to me I didn't even know what it was, he said it was a Tactical Rail referring that it was part of a gun at first I thought maybe it was a part of one of my son's toys, Mr Byrne also brought out a box that I had gotten something from Amazon.com and said that one of the agents found it in the Amazon.com box.

However at approximately 6:45 am on June 13, 2015, my son arrived home I asked my son about the tactical rail and my son explained to me that yes it was in fact a part of a gun but it was a rail to an AIR SOFT gun , which is nothing more than a b-b gun, my son was behooved as why the F.B.I agent couldn't figure out it was basically a toy and stated "for Gods' sake its plastic how could you not know it was a toy." My son also stated that he had that tactical rail since he was 12 and he is now 18 and that he doesn't even have the gun anymore.

Furthermore as I stated before none of the items on the Receipt of Property constitutes evidence of criminal offence like my son's laptop computer which is an HP laptop model number 15-RO29WM, serial number CND4248VR8, I have called Mr. Byrne several times about my

son's computer because he needs it for school my son attend school on line but Mr.Byrnes has not answered any of my phone calls nor can he call me back because the F.B.I seized the only working phone that I have which also ties in to violating my fundamentally protected rights which Amendment One , Freedom of Speech and well as the 4th Amendment no search or seizure.

More importantly lets see what the law says about confiscating / seizure of a cell phone according to **The United States Supreme Court in Riley v. California 573 U.S and U.S v. Wurie 728 F. 3d 1,1 (1st Cir 2013) Chief Justice John Roberts** and I will paraphrase that it basically states that after a person is lawfully "ARRESTED" the arresting officers MUST still obtain a search warrant in order to retrieve data on someones cell phone. Thus it means that a arresting officer has no right to take the defendant cell phone even after arresting him he must still require a warrant, which means in my case there was no arrest therefore even though the F.B.I had a warrant it was still unlawful for the F.B.I to seize my phone because I had not been arrested.

However back to my son's computer by not allowing my son to have his computer the F.B.I is violating International law, they are violating United Nations Universal Declaration of Human Rights Article 26 which states "Everyone one has a right to education" Please also note that my son is in his senior year and June is actually his last month which is this month but how can he complete and finish his education if he doesn't have the necessary tools which is his computer.

In essence I'm asking the courts to please return "ALL " my property of my phone to me as well as return my son's computer and his phones and my computer and mainly his computer expeditiously because he needs it for school and by law the Courts cannot ignore a ruling coming from the United Nations because all government public offices including the judiciary of the United States have SWORN allegiance to the United Nations and therefore are under the jurisdiction of the United Nations ; December 9th, 1945 International Organization Immunities Act, relinquished every public office of the United States to the United Nations.

And also since the F.B.I speculates and infer that I may have committed some sort of crime let us take a look at how a crime is defined by United States Code according to 18 U.S.C section 16 "Crime of violence" (a) an offense that has as an element the use, attempted use, or threatened use of physical force against the PERSON or PROPERTY of another or (b) any other offense that is a felony and that, by its nature involves a substantial risk that physical force against a person or property of another may be used in the course of committing the offense.

Now tell me according to 18 U.S.C "Crime of Violence , where is the victim that I injured or show me the property that I have damaged. Basically there can't be a crime because there was no violence.

And if you want to get technical as far as a crime is concern let's read what case law says about a crime in Cruden v. Neale, 2 NC 338 2 S.E 70. " Corpus Delicti consist of showing 1) the occurence of the specific kind of injury and 2) Someone criminal act as the cause of injury.

Also in Johnson v. State 653 N.E 2d 478, 499 (Ind 1995) " State MUST PRODUCE corroborating evidence of "corpus delicti" showing that injury or harm constituting crime occurred and that injury or harm was caused by someone criminal activity."

To put it bluntly if I wanted to go after the F.B.I, I would but that is too much drama and headache especially after the crimes I feel that they have committed towards me and my family such as 1) Deprivation of Rights Under Color of law using the law to go on a witch hunt and deprive me of my property 2) Violating my freedom of speech by restricting my access to my ONLY cell phone cutting me off from communicating with the world and 3) the most important violating my son's Universal Declaration of Human Rights Article 26 which is "Everyone has a Right to Education by depriving my son the right to use his computer he is therefore not able to do his schooling on line.

Finally your Honor I ask once more that my property of my "ONLY" cell phone, my computer and my son's laptop and his cell phones be returned to me because none of those thing constitutes evidence of a crime according to 18 U.S.C section 3103a , not only that NONE of the evidence on the RECEIPT OF PROPERTY LIST meets the requirements of 18 U.S.C section 3103a I have also included for the courts to see a copy of the Receipt of Property as well as a copy of the A.T.I repairmans card who is responsible for repairing the broke door as well as a copy of the Warrant.

More importantly as I stated to Mr. Byrne I DID NOT CONSENT , to this search and seizure thus making it an UNLAWFUL search and seizure.

Plus according to the Fourth Amendment it states " **The Right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated, and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly DESCRIBING THE PLACE TO BE SEARCHED AND THE PERSONS OR THINGS TO BE SEIZED.**

**No where in the Warrant does it say anything about a DESCRIPTION OF THE PARTICULAR THINGS TO BE SEIZED** , which basically means my rights according to the 4th Amendment were violated

I am innocent and I have done nothing wrong as far as the F.B.I are concerned I am guilty by association which is unfair.

Once more by them seizing my property by which none of such property meets the requirements of 18 U.S.C section 3103(a) is therefore a pure outright illegal confiscation.

If this court does nothing to right this wrong please note I will do everything legally possible to make sure that this INJUSTICE be overturned

*Without prejudice all rights reserved*  
*Abdulhakeem Zahid*

UNITED STATE DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

Receipt for Property    Received/Returned/Released/Seized

File #: [REDACTED]  
6330074On (date) 6/10/2015

item(s) listed below were:

- ☐ Received From  
☐ Received To  
☐ Released To  
☒ Seized

(Name) \_\_\_\_\_

(Street Address) \_\_\_\_\_

(City) \_\_\_\_\_

## Description of Item(s):

↓ My Cell phone (Abdul Khabirs)

\* AT&amp;T cellular phone model number Y536A1, IMEI number 865110020961042 with 32 gb memory card

Social security paperwork

Priority List

\* Dell Vostro 200 desktop computer My Computer (Abdul Khabir Wahids)

Soverign Notebook

Contact list notebook

List of extremist scholars

2 GB micro sd card

Social Security statements

LG t-mobil cellular telephone IMEI number 013306-00-3582869, SN 301KPVV358286 ← my sons cell phone

San Disc and 2 patriot thumb drive

\* HP laptop model number 15-R029WM, Serial number CND4248VR8 with power cord ← my sons laptop

Tactical rail ← that belongs to Air Soft Gun - or b-b gun

\* White LG cell phone IMEI number 013341-00-610500-4 Model Number LGL35g ← my sons cell phone

Handwritten notes, address book, letter

\* Blue I Phone IMEI 358538055582693 Model number A1456 ← my sons cell phone

\* White Nokia Cell phone IMEI 355913056216265 Model Number 521 ← my sons cell phone

Received By

Todd Kapha

Received From \_\_\_\_\_

Your honor correct me  
if I'm wrong but

I thought the knock and  
announce rule was a sort  
of prevention apparently not  
when the F.B.I  
became so aggressive  
that they broke  
the lock of my front door  
for no apparent reason  
at all, and the copy of  
this <sup>card</sup> A.T.I is a  
direct result of the  
F.B.I flexing a little  
to much power  
and as a result  
we end up with a broken  
door and maintenance  
man to fix it



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United States District Court  
DISTRICT OF ARIZONA

In the Matter of the Search of

CASE NUMBER: 15-9155 MB

3407 West Port Au Prince Lane  
Phoenix, Arizona 85053

SEARCH AND SEIZURE WARRANT

TO: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the District of Arizona:

See Attachment A, incorporated by reference

The affidavit in support of this Search Warrant is herein incorporated by reference or attached.

The person or property to be searched, described above, is believed to conceal:

See Attachment B, incorporated by reference

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

YOU ARE COMMANDED to execute this warrant on or before

06-23-2015

Date (Not to Exceed 10 days)

☒ in the daytime 6:00 a.m. to 10 p.m.

☐ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to any United States Magistrate Judge on *normal duty in the District of Arizona.*

I find that immediate notification may have an adverse result listed in 18 U.S.C. § 3103a (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)

☐ for \_\_\_\_\_ days (not to exceed 30). ☐ until, the facts justifying, the later specific date of \_\_\_\_\_.

Date and Time Issued

6-9-15 4:50 PM

*Eileen S. Willett*

Judge's Signature

City and state:

Phoenix, Arizona

Eileen S. Willett, United States Magistrate Judge

Printed Name and Title

"No where on this warrant does it give a description of the property that should be seized as required in the 4th Amendment."